

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PABLO M. RIVERA,

Petitioner,

v.

RADM Spaulding Federal Medical Center
Devens, MA,

Respondent.

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C.A. No. 20-10776-ADB

ORDER

BURROUGHS, D.J.

Pablo M. Rivera (“Rivera”) is an inmate at FMC Devens who filed a *pro se* habeas petition seeking release to home confinement in light of the COVID-19 pandemic. Dkt. No. 1. On April 22, 2020, Rivera’s petition was denied without prejudice. Dkt No. 4. In denying the petition, the Court found that there was no indication that Rivera presented his request to FMC Devens or the Federal Bureau of Prisons and, more importantly, that this Court cannot utilize 18 U.S.C. § 3582(c) to modify his sentence which was imposed in the District of Hawaii. *Id.*

The Court’s records indicate that Rivera filed a second action seeking, among other things, release to home confinement. *Rivera v. Spaulding*, No. 20-10777-DJC (dismissed July 16, 2020). The Court found that the Prison Litigation Reform Act prevented the Court from granting release to home confinement as a remedy to a challenge to prison conditions. *Id.* at Dkt. No. 17 (citing 18 U.S.C. § 3626(a)(3)(A); *Grinis v. Spaulding*, No. 20-10738-GAO, 2020 WL 3097360, at *3-5 (D. Mass. June 11, 2020)). Rivera was also advised that a request for compassionate release must be directed to the sentencing court. *Id.* (citations omitted).

Now before the Court is Rivera’s motion for reconsideration. Dkt No. 6. Attached to the

motion is a copy of Rivera's compassionate release form. *Id.* Rivera also filed a motion to supplement the record concerning exhaustion. Dkt. No. 7. "The granting of a motion for reconsideration is an extraordinary remedy which should be used sparingly" and only where "either that newly discovered evidence (not previously available) has come to light or that the rendering court committed a manifest error of law." *Palmer v. Champion Mortg*, 465 F.3d 24, 30 (1st Cir. 2006) (internal citation omitted).

Although Rivera is pursuing his administrative remedies, this Court is unable to grant Rivera the relief he seeks. *See Rivera*, No. 20-10777-DJC; *Grinis*, No. 20-10738-GAO, 2020 WL 3097360, at *3-5. Because Rivera has failed to show that reconsideration is warranted, the motion (Dkt. No. 6) for reconsideration is DENIED and the motion (Dkt No. 7) to supplement the record is DENIED AS MOOT.

So Ordered.

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
United States District Judge

Dated: September 10, 2020